

RESOLUTION NO. R-2016-0400

RESOLUTION APPROVING ZONING APPLICATION ABN/W-2015-02158
(CONTROL NO. 1986-00139)
a Type II Waiver
APPLICATION OF Strata Realty Inc, Stratemeyer LLC, Boat Mart Inc
BY Wantman Group Inc., AGENT
(Don Cook Motors)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/W-2015-02158 was presented to the Board of County Commissioners at a public hearing conducted on March 24, 2016;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Type II Waiver; and,

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ABN/W-2015-02158, the application of Strata Realty Inc, Stratemeyer LLC, Boat Mart Inc, by Wantman Group Inc., Agent, for A Type II Waiver to allow a deviation in the block dimensions greater than five acres; and allow outdoor vehicle storage within 200 feet of a Non-PRA residential zoning district, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on March 24, 2016, subject to the Conditions of Approval described in Application ABN/W-2015-02158
Control No. 1986-00139
Project No. 01000-123

EXHIBIT C, attached hereto and made a part hereof, and waiver request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

The motion was seconded by Commissioner Burdick and, upon being put to a vote, the vote was as follows:

Commissioner Mary Lou Berger, Mayor	- Aye
Commissioner Hal R. Valeche, Vice Mayor	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on March 24, 2016.

Filed with the Clerk of the Board of County Commissioners on April 14th, 2016.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL 1

THE SOUTH 162.18 FEET OF THE EAST 473.03 FEET OF THE SOUTH ½ OF LOT 1, BLOCK 3, (AS MEASURED ALONG THE SOUTH AND EAST LINES THEREOF) LYING WEST OF A PLATTED ROAD RIGHT-OF-WAY (60 FEET) AS SHOWN ON PLAT NO. 1, PALM BEACH PLANTATION, (MODEL LAND COMPANY), A SUBDIVISION OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 10, PAGE 20, EXCEPT FOR THE EAST 30 FEET THEREOF CONVEYED TO THE COUNTY OF PALM BEACH FOR ROAD PURPOSES, BUT INCLUDING AN EASEMENT FOR INGRESS AND EGRESS VIA THE 25 FOOT STRIP OF LAND LYING NORTH OF AND ADJACENT TO THE NORTH LINE OF THE ABOVE DESCRIBED PARCEL OF LAND.

PARCEL 2

THE WEST 450 FEET OF THE EAST 473.03 FEET, MEASURED PARALLEL WITH THE SOUTH LINE THEREOF, LYING WEST OF A PLATTED ROAD RIGHT OF WAY (60 FEET), OF THE SOUTH ONE-HALF (1/2) OF LOT 1, BLOCK 3, PLAT NO.1, PALM BEACH PLANTATIONS (MODEL LAND COMPANY), A SUBDIVISION OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 10, PAGE 20, LESS AND EXCEPTING THE SOUTH 162.18 FEET THEREOF AND ALSO LESS AND EXCEPTING THE RIGHT-OF-WAY FOR MILITARY TRAIL.

PARCEL 3

THE SOUTH ½ OF LOT 1, BLOCK 3, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 12, TOWNSHIP 44, RANGE 42 EAST, KNOWN AS PALM BEACH PLANTATION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 10, PAGE 20, LESS AND EXCEPTING THE EAST 473.03 FEET THEREOF.

CONTAINING 424,755 SQUARE FEET OR 9.751 ACRES, MORE OR

EXHIBIT B
VICINITY SKETCH

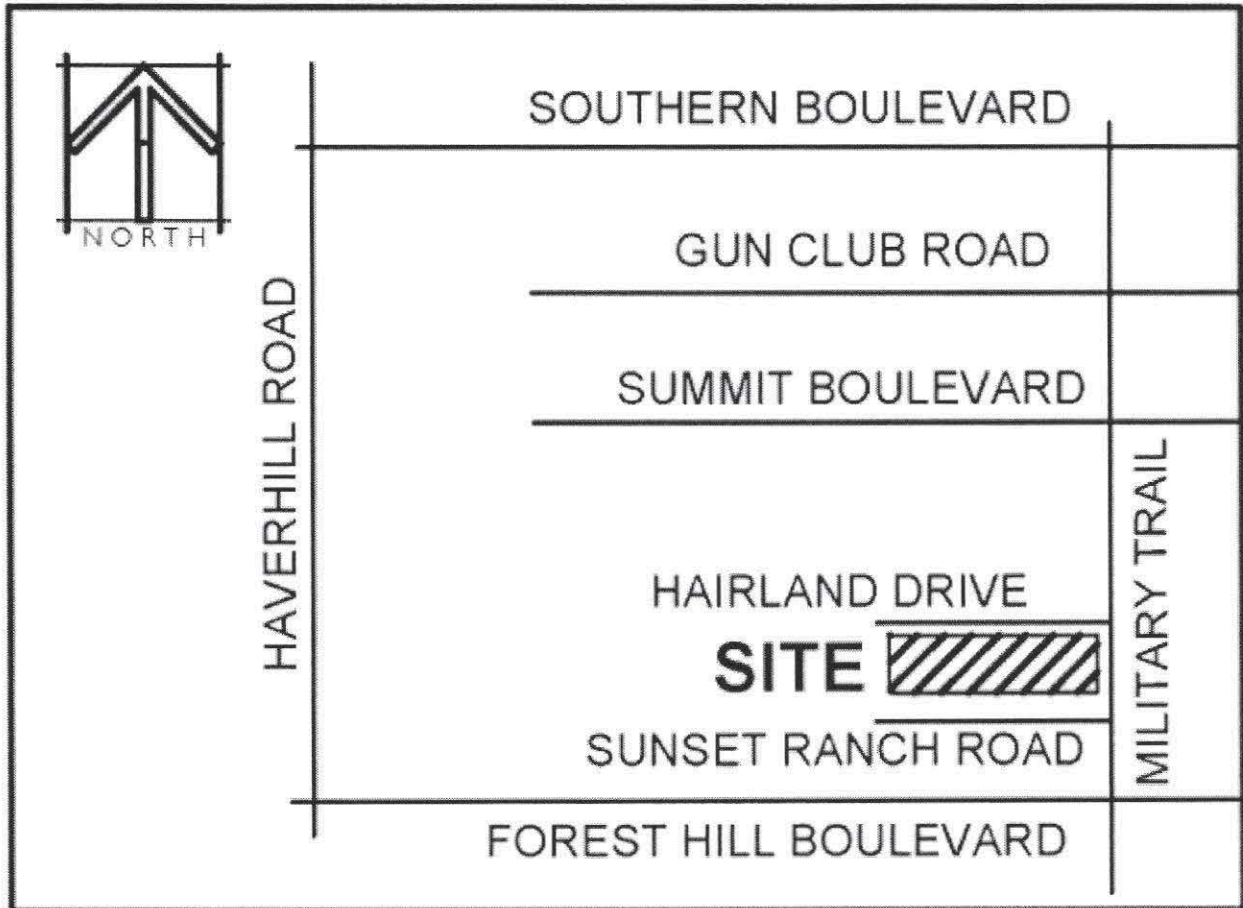


EXHIBIT C

CONDITIONS OF APPROVAL

Type II Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 28, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or Zoning Commission. (DRO: ZONING - Zoning)
2. Prior to final approval by the Development Review Officer (DRO), the approved Type II Waivers and any associated Conditions of Approval shall be reflected on the Final Site Plan. (DRO: ZONING - Zoning)
3. The Development Order for the Type II Waivers shall be tied to the Time Limitations of the Development Order for DRO-2015-2159. (ONGOING: MONITORING - Zoning)
4. These Waivers are approved for a Vehicle Sales and Rental use. Any change to the use shall require a reconsideration of the Waivers by the Board of County Commissioners. (ONGOING: ZONING - Zoning)
5. In addition to the Code requirements, landscaping along Military Trail shall be upgraded to include:
 - a. one (1) tree for each twenty five (25) linear feet of the property line;
 - b. tree species shall comply with the planting requirements of the FPL Technical Guidelines and can include, but not limited to, Jatropha, Crepe, Myrtle, Geiger, etc;
 - c. trees may not be substituted for palm species. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both of the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order

Amendment, and/or other zoning approval, in accordance with the provisions of Section 2 .E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

EXHIBIT D

REQUEST

TYPE II WAIVER SUMMARY

ULDC Article	Required	Proposed	Variance
3.B.16.E.4.a. Residential Setbacks	Outdoor uses shall be setback a minimum of 200 ft. from abutting non-PRA residential uses/parcels	Outdoor uses to be maintained within 200' setback from RM Zoning District to the north.	permit outdoor vehicular storage use within 200 feet non-PRA residential use.
3.B.16.F. Block Dimension Requirements	Blocks are required for projects five or more acres in size	Maintain current non-residential design	to allow non-residential design